

REMARKS/ARGUMENTS

Claims 1, 10-12, 14 and 15 are pending in the present application. In the Office Action mailed August 10, 2004, the Examiner allowed claim 1. The Examiner rejected claim 10 under 35 U.S.C. § 102(e). The Examiner also rejected claims 11-12, 14 and 15 under 35 U.S.C. § 103(a).

Reconsideration is respectfully requested in view of the following remarks.

A. Rejection of Claim 10 Under 35 U.S.C. § 102(e)

The Examiner rejected claim 10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 2002/0069366 to Schoettger (hereinafter, "Schoettger"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Id. (quoting Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that Schoettger does not disclose all of the limitations in claim 10. Schoettger discloses a host web server 130 in communication with the Internet 120 via a firewall 124. Schoettger, Fig. 1. The host web server 130 "includes a tunnel mechanism 140 that functions as a secure interface between the host Web server 130 that can tunnel to or provide a conduit to normally hidden or unavailable devices," such as servers 170, 180. Id., par. 20-21. When the host web server 130 receives a request for a hidden device (*e.g.*, servers 170, 180), the tunnel mechanism 140 routes the request to the appropriate destination (*e.g.*, server 170). When a response is received from the server 170, "the response generator 146 determines if the response includes an error (*e.g.*, an HTTP or other protocol error code)." Id. par. 30.

However, Schoettger does not disclose “intercepting a message that has been sent to a display,” as recited in claim 10. The host web server 170 does not “intercept” the response that is sent from the server 170 to the host web server 130. The word “intercept” means “to stop, deflect, or interrupt the progress or intended course of.” The American Heritage® Dictionary of the English Language, Fourth Edition. The response from the server 170 is sent to – and is intended to be received by – the host web server 130. The response from the server 170 is not “sent to a display,” as required by claim 10. The host web server 130 does not interrupt the progress or intended course of the response. The Examiner appears to be construing the word “intercepting” to mean the same thing as “receiving.” However, these words are not synonymous.

In view of the foregoing, Applicants respectfully submit that Schoettger does not disclose all of the limitations in claim 10. Accordingly, Applicants respectfully request that the rejection of claim 10 be withdrawn.

B. Rejection of Claims 11,12 and 14 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 11, 12 and 14 under 35 U.S.C. § 103(a) based on Schoettger in view of U.S. Patent No. 6,526,529 to Miksovsky et al. (hereinafter, “Miksovsky”). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the

examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Claims 11, 12 and 14 recite “intercepting a message that has been sent to a display.” As discussed above, Schoettger does not disclose this limitation.

Mikovsky does not make up for the deficiencies of Schoettger. Mikovsky discloses “a system and method for dynamically updating the error messages of a shipped software product.” Mikovsky, col. 1, lines 63-65. “[A] file comprising updated error message information (*i.e.*, a dynamic error messages file 60) is downloaded for a software product (*e.g.*, application program 62) from an external source such as a server 64 on the Internet 66 to a client machine, such as the computer system 20.” *Id.*, col. 4, lines 37-42; Figure 2. “Any time an error message is to be displayed, an error handling mechanism compares identifier information of the error message to the file of updated error messages, and if a match is found, overwrites or extends the existing error message that was shipped with the code for display to the user.” *Id.*, abstract.

However, the error handling mechanism does not “intercept[] a message that has been sent to a display,” as required by claim 10. Rather, the centralized error handling mechanism 80 searches for updated error message information before an error message is sent to the display. This can be seen by reference to Figure 6 of Mikovsky and the accompanying description, which states:

[S]tep 600 represents the receipt of an errorcode and existing message (or pointer thereto) when the centralized error handling mechanism 80 is called. The centralized error handling mechanism 80 attempts to access (open or use if already open) the dynamic error messages file 60. If the file does not exist or otherwise cannot be accessed, step 602 branches ahead to step 610 where the existing, static message is from the dll is displayed.

Mikovsky, col. 8, lines 14-21. Thus, the centralized error handling mechanism 80 searches for updated error message information before an error message is sent to the display. This is in contrast to claim 10, which recites “intercepting a message that has been sent to a display.”

In view of the foregoing, Applicants respectfully submit that claims 11, 12 and 14 are patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claims 11, 12 and 14 be withdrawn.

C. Rejection of Claim 15 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) based on Schoettger and Miksovsky in view of U.S. Patent Application 2002/0114438 to Ganugapati (hereinafter, "Ganugapati"). This rejection is respectfully traversed.

The standard for establishing a rejection under 35 U.S.C. § 103(a) is provided above. Claim 15 recites "intercepting a message that has been sent to a display." As discussed above, the combination of Schoettger and Miksovsky does not teach or suggest this limitation.

Ganugapati does not make up for the deficiencies of Schoettger and Miksovsky. Ganugapati discloses a "Personal Phonebook Service system 20 (PPBS system) that offers a Personal Phonebook Service (PPBS) ... in addition to basic telephone connection services." Ganugapati, par. 20. However, Applicants cannot find – and the Examiner did not point out – any portion of Ganugapati that teaches or suggests "intercepting a message that has been sent to a display," as recited in claim 15.

In view of the foregoing, Applicants respectfully submit that claim 15 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 15 be withdrawn.

D. Allowable Subject Matter

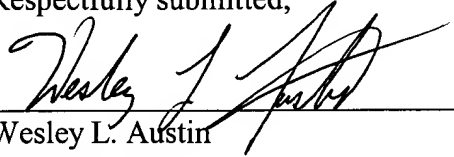
Applicants thank the Examiner for allowing claim 1.

Appl. No. 09/815,441
Amdt. dated November 10, 2004
Reply to Office Action of August 10, 2004

E. Conclusion

Applicants respectfully assert that claims 1, 10-12, 14 and 15 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin", is written over a horizontal line.

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: November 10, 2004

MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700